

Lex Lumina PLLC

Rhett O. Millsaps II | rhett@lex-lumina.com | 646.535.1137

April 11, 2022

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/12/22

VIA ECF

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square, Room 2102
New York, NY 10007

Re: Hermès International et al. v. Rothschild, 22-cv-00384-AJN-GWG

Dear Judge Nathan,

My firm represents Defendant Mason Rothschild in the above-referenced matter. We write pursuant to section 3(E) of Your Honor's Individual Practices in Civil Cases regarding oral argument on Mr. Rothschild's Motion to Dismiss the Amended Complaint (Dkt. No. 26), which as of today is fully briefed.

As a recent article in *Wired* magazine pointed out, Plaintiffs' lawsuit here strikes directly at speech protected by the First Amendment, raises profound questions of artistic freedom, and will have ramifications far beyond this case:

If the court were to determine that [Hermès'] monopoly extends to images like Rothschild's, it would be a major loss for artists and all who value freedom of expression, a signal that the metaverse is likely to be treated less as a new frontier for human creativity and more as an annex-in-waiting for established business concerns.

Jessica Rizzo, "The Future of NFTs Lies with the Courts," *Wired*, Apr. 3, 2022, <https://www.wired.com/story/nfts-cryptocurrency-law-copyright/> (visited April 11, 2022).

We believe that the parties' submissions on the motion make clear that the Court should grant Mr. Rothschild's motion to dismiss all of the claims in this case. If the Court is considering denying the motion for any reason, however, then Mr. Rothschild respectfully requests oral argument.

The Court will decide the motion in due course and will inform the parties if the Court requests oral argument.
SO ORDERED.



4/12/22

U.S. Circuit Judge
Sitting by designation

Sincerely,



Rhett O. Millsaps II

New York, New York 10151